



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Planning Board Approved Minutes

September 7, 2016

7:00 pm at the Community Development Department

Chairman Paul Gosselin, present

Margaret Crisler, excused

Dan Guttman, present

Kathleen DiFrusia (alternate), present (seated for Ms. Crisler)

Matt Rounds (alternate), present

Gabe Toubia (alternate), present

Ross McLeod, Board of Selectmen representative, excused

Jennifer Simmons, Board of Selectmen alternate- excused

Vice Chair Kristi St. Laurent, present

Alan Carpenter, present

Ruth-Ellen Post, present

Staff:

Dick Gregory, Community Development Administrator

Anitra Brodeur, Minute Taker

Public Hearing

Case 2016-27 Design Review, 90 London Bridge Road (Lots 20-D-1200 & 20-D-300)

A Design Review Application has been submitted by Edward N. Herbert Assoc., Inc. on behalf of London Bridge North, Inc. The applicant is proposing a 20-lot subdivision with three open space lots for a total of 23 lots. This property is in the Wetland & Watershed Protection District (WWPD), Aquifer, Floodplain and Rural zoning districts. Waivers are requested from Section 601.2.5, 601.3.9 and 602.2.4 of the Subdivision Regulations. The Applicant has submitted the WWPD and Final Subdivision application as well, so once the Design Review has ended the Final public hearing will be scheduled.

Mr. Gregory stated that the yield plan contains 20 house lots. After consulting with police and fire, they would recommend a light installed at Clyde Pond Road and London Bridge Road and would like Clyde Road to be 26 feet wide. There will be a joint site walk with the Planning Board and the Conservation Commission on Saturday, September 10th at 9 am.

A motion was made by Ms. DiFrusia to open the public hearing at 7:08pm. Seconded by Ms. Post. Vote 6-0. Motion passes.

Mr. Peter Zohdi addressed the Board. There is a wetland crossing and a WWPD crossing. Mr. Zohdi explained the pre-development swale that would be used during construction. Mr. Zohdi stated that FEMA did approve the plan of study. Mr. Zohdi explained that there would be a series of catch basins once construction is complete to control drainage. The FEMA and LOMA applications and approvals are available at the Community Development Department. Mr. Guttman stated that the FEMA study was pertinent, prevalent information that he would like access to. The FEMA study resulted in a change of the flood plan maps. The two lots have not been consolidated according to Mr. Zohdi; it is the plan of the applicant to do so in the future. Mr. Zohdi clarified where the detention areas were for the Board. The road to the center of the cul-de-sac is 1900 ft. The

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purpose of the cul-de-sac is to allow access to town land and perhaps even Center School. The Board asked about blasting. Mr. Zohdi did state that blasting would be necessary. There will be about 17 feet cut, the same as Ryan Farm Road. The material will likely be blasted and much of the material will remain on site. The applicant may move the excess material to a potential development nearby. Mr. Zohdi stated he would get the volume of rock that will likely be blasted for the Board as they specifically asked for the amount. The Board asked if there would be a maintenance schedule for the catch basins. The maintenance schedule is contained in the Alteration of Terrain (AOT). The Board discussed road width. Mr. Carpenter asked if narrowing the road would lessen the cuts of blasting through ledge. The Board would like to know if it would be possible to narrow the road to 24 feet rather than 26 feet. The Board also mentioned the potential road easement through the conservation land; if this road were to be used to connect the development to Center School, perhaps it would make sense to keep the road easement wider for access. The Board stated that if a variance is granted for a longer road, the road must also enhance connectivity. The total acreage of the combined lots is 56 acres.

Mr. Guttman is concerned about the amount of acreage that is "unbuildable". To clarify, Mr. Carpenter asked how much of the acreage is in the WWPD. Also, the Board would like to know how many acres in the open space are in the WWPD. Mr. Zohdi will get the answers to both of these questions.

Mr. Rounds asked about the feasibility of community wells. Mr. Zohdi stated that it is often highly unlikely that a company, like Pennichuck will take over a community well system.

Chairman Gosselin opened and closed the hearing to the public at 7:43pm.

The Board discussed flagging for the site walk.

A motion was made by Mr. Guttman to continue the design review until after the site walk at the September 21st, 2016. Seconded by Ms. Difrusia. Vote 2-4. Opposed Vice Chair St. Laurent, Chairman Gosselin, Ms. Post, and Ms. DiFrusia.

Ms. Post would be ready to go to the public hearing at this time. Mr. Carpenter stated that there is a lot of water and a lot of ledge on the site walk.

A motion was made by Ms. Post to close the design review. Seconded by Vice Chair St. Laurent. Vote 4-2. Mr. Guttman and Mr. Carpenter opposed.

Case#2015-26(Lot 17-I-300) Chadwick Place, 98 Range Road, Final Major Site Plan, Watershed, WWPD

A Major Final Site Plan for 55+ Housing; and Major Watershed/Wetland and Watershed Protection District (WWPD) Special Permit Applications have been submitted Edward N. Herbert Assoc., on behalf of Chadwick Asset Management Land Holdings, LLC for 98 Range Road, a 9.47 acre lot located in the Rural District Zone, Cobbett's Pond and Canobie Lake Overlay Watershed Protection District, and WWPD. The applicant is proposing to construct fifteen (15) single-family, detached housing units for residents ages 55. A 24' porous private driveway/road is proposed off of Range Road to access the development. The homes are proposed to be served by two (2) onsite wells and onsite leach fields. A 5' walking trail is proposed along the perimeter of the property. A WWPD Special Permit is being requested for the installation of road shoulder work and a portion of the 5' walkway for a permanent disturbance of 11,500 sq. ft. to the WWPD. A total of 7.66 acres or 80%

land area is proposed for open space. Waiver has been requested from 603.2.4.15 of the *Site Plan Regulations* to not have exterior elevations plans at a scale of 1"=20'

A motion was made by Mr. Guttman to open the public hearing at 7:54pm. Seconded by Ms. DiFrusia. Vote 6-0. Motion passes.

Mr. Gregory read the Planning Review section from the September 1st memo to the Planning Board. "If you agree that the applicant has met the burden of proof for Sections 610.7.2.1 through 610.7.2.4 and 610.9, I recommend the conditional approval of this application with the following condition: the final plans meet all of the conditions contained in the KNA memo dated August 29th, 2016. The applicant has addressed storm water and planting issues to the satisfaction of the Conservation Commission. The Conservation is requesting a reduced road width."

Mr. Peter Zohdi addressed the Board. The AOT permit has been approved. Attorney Andrew Pearlman and Attorney John Cronin are both available and in the audience at this time. There is a maintenance agreement that will be recorded in the condominium declaration, Article 5. The abutter has a right to obtain a copy of the maintenance schedule each year. Ms. DiFrusia asked about the geo-fabric and whether or not it would be used since it has been known to cause clogging. She asked that Mr. Zohdi check with the Storm Water Management Center at UNH to find some solutions. Mr. Carpenter asked about the 15 units, each of which has two bedrooms. There would be a bonus density for handicap-accessible units and common facilities.

Mr. Zohdi was asked to clearly label the stream on the plan, particularly in reference to the "level spreader". He also stated that this is the only location for the "level spreader". The Board would like to know where would the water go if there was an overflow in the level spreader. Mr. Zohdi stated this it will go where it was going before: the water goes from the pipe, to the level spreader, to the ditch. Currently, the water travels directly to the ditch. Mr. Guttman asked about the on-site wells for 15 houses. Mr. Zohdi stated that if Pennichuck does not want to take over the wells, there are many other small water companies that will run the water system.

The Board next discussed density bonus items. Barrier free is a term that meets ADA criteria. There is cost involved in going to a barrier free construction. The ordinance states that if you build barrier free, the applicant is entitled to a bonus. The Board stated that there are two levels of bonuses. Mr. Zohdi stated that there is a large expense to the client to make all units barrier free. As a general rule, barrier free is ADA compliant. Chairman Gosselin polled the Board to see if they were in favor of the density bonus for barrier free. The Board would like to see a fix for the mailbox to be sure it is accessible to someone in a wheelchair so that individuals would not need to be on the lawn or the street.

The Board discussed adding benches to the plan so that recreation could be considered as part of the plan.

Mr. John Cronin addressed the Board. He stated that gazebos are not often beneficial to condo associations since they are often a large expense for the association. The Board discussed that with a set of units this small, a passive recreation area would be a good enhancement for this type of project.

Chairman Gosselin opened the discussion to the public at 8:58pm.

Mr. Andy Prolman addressed the Board. He represents several families downhill from the proposed project. He would like to thank the Board and the applicant for all their work on the project. Mr. Prolman stated that his client does like the check dams; hence, they would like to see all the units have 2 bedrooms if a bonus can be given for the installation of the check dams. The Chairman stated that the Board cannot "trade" bedrooms for other things like check dams. On page 19 of the plans, the lower leech field in the corner of the plan crosses the 50-foot setback line. His client would also like to see as many trees as possible to remain on the site. Attorney Prolman stated that his client appreciates that the well has been moved to the other side of the property away from his clients' well. The biggest concern is that the porous pavement system would fail.

Mr. Zohdi stated that he would allow the abutters to have access to the property. Also, he is not interested in cutting down many trees, as they need to replace them.

Mr. Derek Munson, Turtle Rock Road, would like to see the stream rip wrapped. He asked if they were leaching catch basins. He would like to ask that the neighbors receive a copy of the annual report. Chairman Gosselin stated they should contact the town to get a copy.

Mr. Joe Bradley, 85 Kendall Pond Road, addressed the Board. He asked if a level spreader was allowed to be that close to a pond.

Mr. Guttman asked about specific time frames around cleaning the catch basins; he asked about keeping the inspections on file, Attorney Cronin did reply by saying he would like to leave the time of year at the discretion of the association and the professionals. Attorney Cronin asked if it were possible to pay ahead for 5-10 years for the residents to be members of the Senior Center so it is not an obligation to the Association. Adding to this discussion around additional amenities, Ms. DiFrusia would like the applicant to consider a common area, even outside, for the applicant.

John Alosso, 32 Turtle Rock Road addressed the Board; he is the applicant. He stated that many people want to age in place. They do not want additional expenses. He also listed the definitions for barrier free. Mr. Carpenter would like to see all units have 2 bedrooms. He would also like to see a community garden. The applicant would also do the stream work along Bella Vista Road.

Chairman Gosselin polled the Board to see if they are comfortable with all units being 2 bedroom units based on the recreation piece and the services Mr. Alosso listed. The Board asked about the water quality unit on the plan. Mr. Zohdi stated there was a plan for maintaining the unit on the plan. Mr. Carpenter also asked about lawn on the property. The covenant states that the lawn will be maintained with low phosphate fertilizers and other fertilizers that minimize impact to the nearby water sources.

The Board would like to see the WWPDP impacted area noted on the plan.

A motion was made by Mr. Carpenter to approve the Major Final Site Plan as presented with the following conditions:

- 1. The porous pavement maintenance plan will be amended to staff satisfaction with specific times and cycles**
- 2. The plan will adhere to Section 610.4**
- 3. All units will be barrier free handicapped accessible**

4. The applicant will provide check dams, rip wrap to be added to the plan by applicant
 5. That a landscape plan will be implemented for the north corner of the Plan
 6. The leech field located at the west corner will be moved upslope 15 feet
 7. A recreation density bonus of one bedroom is granted as a result of the inclusion of a common area that will include a community garden, picnic tables and an access path from the road
 8. The community mailbox will have an handicap accessible path installed
 9. All items highlighted in the Keach Nordstrom memo of 8/29 will be complied with to staff satisfaction
 10. Should the applicant seek certificates of occupancy before all infrastructure is completed, applicant will provided to the Town with a performance guarantee in the form of a bond in an amount acceptable to staff.
 11. Plans to be modified to delineate the location of the stream
- Seconded by Mr. Guttman. Vote 6-0. Motion passes.**

The Board thanked the applicant for setting a standard for working with the abutters.

A motion was made by Ms. Post to grant the request for WWPDP special permit under 601.4.8 of the Zoning Ordinance on the understanding that the WWPDP is the minimum necessary to affect the necessary improvements. Seconded by Ms. Difrusia. Vote 6-0. Motion passes.

A motion was made by Vice Chair St Laurent to grant a waiver for Section 603.4.2.15 of the Site Plan Regulations not to have to show the exterior elevations of a scale of one inch on the plan set. Seconded by Ms. Difrusia. Vote 6-0. Motion passes

Rationale: They were depicted in an acceptable manner in the plan set.

A motion was made by Mr. Guttman to conduct new business after 10:00pm. Seconded by Ms. Post. Vote 6-0. Motion passes.

Case 2015-35 (Lot 18-L-300 & 201) Gateway Park, 55 & 67 Range Road, Final Major Site Plan/Final Housing for Older Persons/Major Watershed Application

This application has been submitted by The Dubay Group, Inc. on behalf of Angle Wood Pond Realty Trust, Inc. & Duck Pond Realty Trust. This property is in the Professional, Business & Technology (PBT), Residence A and Cobbett's Pond & Canobie Lake Watershed Protection Districts. The Applicant is proposing to develop this 32 acre site into a mixed use development of offices, restaurants, medical facilities, spas and fitness centers, retail, commercial service, Housing for Older Persons and an integrated park.

A motion was made by Mr. Carpenter to open the Public Hearing at 10:12pm. Seconded by Mr. Guttman. Vote 6-0. Motion passes.

Mr. Karl Dubay addressed the Board. He reviewed the changes to the plan since the Board last saw it. He stated the need to add more parking spaces and to be sure those spaces are properly buffered.

The Board discussed "banked parking" and the need to stagger the parking needs of the plan since it will likely be a phased project.

Public comment was opened at 10:20pm.

Mr. Dale Valvo, 31 West Shore Road addressed the Board. He also represents the Canobie Lake Protection Association. He discussed Geosyntec and the need for this product. The CLPA worked closely with New Hampshire DES and tested six spots of the lake every other week this summer. He then discussed chloride. The Gateway Park Project is between the two “hottest” spots that have been tested on the lake according to the testing. He provided a visual for the Board.

Ms. Donna Morgan, 5 Edgewood Road addressed the Board. She would like to see the traffic study. It is not complete yet.

Public comment was closed at 10:30pm

Mr. Rounds asked if Mr. Dubay would be able to obtain more information about the mounding, green snow and the chlorides. The Board also discussed the parking once again. Certain business will need spaces at different times of day. For example, an office building will need parking spaces at a different time of day than a restaurant. Banking the parking to reduce the total asphalt is something that the Board can and will support.

A motion was made by Mr. Guttman to continue the Public Hearing to October 5th. Seconded by Ms. DiFrusia. Vote 6-0. Motion passes.

Old Business

The Board of Selectmen approved the Complete Streets. There will be a 1,000-foot stretch of the road set up as a complete street on Squire Armour Road.

A motion was made by Mr. Carpenter to adjourn at 10:39 pm. Seconded by Mr. Guttman. Vote 6-0. Motion passes.